

**United States Senate**  
WASHINGTON, DC 20510  
January 26, 2004

David M. Stone  
Acting Administrator  
Transportation Safety Administration  
Washington DC 20590

Dear Administrator Stone:

We are astonished at your agency's response to our letter of October 27, 2003. That response, signed by your predecessor, Admiral Loy, insists that it is appropriate to allow butane lighters and matches to be carried in the cabin of passenger aircraft. For the reasons described below, we request your immediate reconsideration of this matter.

TSA's response ignores the central points made in our October 27 letter: that (1) an Al Qaeda terrorist has already attempted to use matches to detonate an explosive device onboard a commercial airliner, and (2) Federal Bureau of Investigation (FBI) experts have concluded that the terrorist in question (the so-called "shoebomber") would likely have succeeded had he used a butane lighter.

TSA's reply letter made no reference to these facts whatsoever – as if they were somehow peripheral to the issue being considered. Is it not relevant to TSA that there has already been one Al Qaeda attempt to use these materials to light an explosive device? Should we not consider ourselves lucky that that attempt narrowly failed, and then take prompt security measures to prevent another such attack from succeeding?

Instead of addressing these facts, TSA gave other reasons for its decision, which in some cases defy all comprehension.

- Your agency states that since lighters are not permitted in a cargo hold, "the only method for transport is inside an aircraft cabin." How can you reconcile banning these items from the cargo hold, where terrorists cannot access them, with allowing them inside aircraft cabins – where an Al Qaeda terrorist has already attempted to detonate an explosive device?
- You state that many passengers carry "lighters that are of great personal value or sentiment," and that prohibiting such items would be distressful to them. But how many passengers would ever attach sentimental value to disposable Bic lighters, the most common type of lighter? And does TSA believe that passengers also attach sentimental value to matches, like the ones that the "shoebomber" already attempted to use to set off an explosive?
- TSA states that due to limits in technology, it "cannot adequately screen for items such as safety matches and butane lighters." Does this mean that TSA intends to allow onto U.S. flights any item that it cannot adequately screen?

Moreover, does this mean that TSA is currently unable to screen for prohibited types of lighters, like torch lighters?

- In a related vein, you state that “to consistently discover these items would require an intrusive pat-down inspection of every individual and a full open bag search of all accessible property.” But without going to such extremes, would it not make sense to have TSA security personnel (including air marshals) on the lookout for all flame-generating materials, including lighters and matches?
- Finally, you state that passengers may want to smoke in airport smoking lounges once they have passed through security checkpoints, and that you fear a “tremendous backlash” if you prohibit lighters or matches in such areas. But does TSA believe that the inconvenience of restricting smoking past security checkpoints outweighs the risk of another Al Qaeda attack on a U.S. airliner?

The TSA’s current policy on lighters stands in stark contrast to TSA’s policy regarding boxcutters. When it was determined that the Al Qaeda hijackers involved in the attacks of September 11 used boxcutters, the Federal Aviation Administration promptly banned boxcutters from U.S. flights, and TSA has continued to enforce that ban. But after the Al Qaeda shoe bomber attempt, TSA took no such action with respect to ignition devices. From a security standpoint, are matches and butane lighters inherently any less of a threat than boxcutters?

We reiterate that the issue of lighters and matches is not some fanciful, hypothetical problem. There has already been one attempt by Al Qaeda to detonate an explosive device using such materials, and FBI experts concluded that this attempt nearly succeeded. The TSA should not wait for a second attempt before reconsidering its policy.

We request your immediate reconsideration of this matter, and a response that directly addresses the Al Qaeda terrorist attempt described above.

Sincerely,



Byron L. Dorgan  
United States Senator



Ron Wyden  
United States Senator